IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.656 OF 2005
IN
SUIT NO.3748 OF 2002

Dr.(Mrs.)Vandana R. Walvekar ....Plaintiff
V/s.
Trioka Construction Co. & Ors. ....Defendants

Mr.Vaibhav Sugdane i/b Yasmin Bhansalia & Co. for the Plaintiff.

Mr.Mannadiar i/b Mannadiar & Co. for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 4TH OCTOBER, 2007.

P.C. :

1. The Chamber Summons is for amendment of the plaint.

2. As far as adding Defendant Nos.4 and 5 are concerned, there can be no serious objection. The Plaintiff's case in the plaint itself is that though the loan receipts had been issued in the joint names of the Plaintiff and the proposed Defendants their names were only for convenience and the loan receipt beneficially belongs only to the Plaintiff. To obviate any technical difficulty that may arise, the Plaintiff seeks to add their names as party

Defendants.

3. The remaining averments are only legal submissions based on the averments in paragraph 4-A of the plaint in respect of the balance confirmation letter dated 15.7.2000. There is no change in the cause of action. Nor is there any amendment to the existing cause of action. The proposed amendment contains only legal submissions in support of the averments.

4. In the circumstances, the Chamber Summons is made absolute in terms of prayers (a) and (b). The amendment to be carried out within four weeks from today.